



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

August 21, 2008

TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901
E-MAIL
Jkrattli@counsel.lacounty.gov

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Robin Guerrero
Deputy Executive Officer
Board Operations

FROM: JOHN F. KRATTLI
Senior Assistant County Counsel

RE: **Claim of GeoCon Engineering, Inc.**
Belvedere Park Skatepark Capital Project

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisors' agenda for September 2, 2008.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the Claim of GeoCon Engineering, Inc. - Belvedere Park Skatepark Capital Project, in the amount of \$126,401, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Parks and Recreation's budget.

This claim for additional compensation arises from the construction of the Belvedere Park Skatepark.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of GeoCon Engineering, Inc.
CASE NUMBER	Not Applicable
COURT	Not Applicable
DATE FILED	Claim Presented 9/24/07
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$126,401
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Talin Halabi Deputy County Counsel 213-974-8948
NATURE OF CASE	This is a claim brought by GeoCon Engineering, Inc., for extra work and delay costs in connection with unforeseen site conditions which were encountered during the construction of Belvedere Park Skatepark Project. Specifically, during grading operations, a natural gas main line was discovered in a location which differed from the information provided by the Southern California Gas Company to the County's design consultant. The County suspended the Project for 86 working days while the configuration of

the Project was substantially re-designed and re-located so as not to come in conflict with the natural gas line. GeoCon is seeking to recover the costs associated with this delay.

The office of the County Counsel, in conjunction with the Department of Parks and Recreation, is recommending a settlement in the amount of \$126,401 in exchange for a full and complete release of all claims by GeoCon relating to the Project.

PAID ATTORNEY FEES, TO DATE	\$10,170.96
PAID COSTS, TO DATE	\$0

Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	March 31, 2006
Briefly provide a description of the incident/event:	<p>On February 7, 2006, Sunrise Construction (dba GeoCon Engineering, Inc.) was awarded the contract to construct the Belvedere Skatepark project.</p> <p>During grading operations, a natural-gas main line was discovered at the project site, in a location which differed from the mapping information provided by the Southern California Gas Company, to the design consultant Lawrence Moss & Associates. Work was immediately suspended and the Contractor was directed to demobilize while the configurations of skatepark elements were re-designed by the design consultant. The County authorized the Contractor to resume work on August 1, 2006, and the work was completed in September 2007.</p> <p>Subsequent to construction, GeoCon Engineering, Inc. submitted a claim of \$152,959 for alleged delay costs resulting from postponement of the work, and for miscellaneous work associated with the acceleration of work schedule. GeoCon Engineering, Inc. has agreed to the County's proposed settlement amount of \$126,401.</p>

1. Briefly describe the root cause of the claim/lawsuit:



<p>The design consultant designed the skatepark while referencing underground utility mapping information provided by the Southern California Gas Company.</p> <p>Subsequently, the Southern California Gas Company reviewed and approved the final construction documents for design requirement and utility easement compliance.</p> <p>Due to the discovery of the natural gas mainline 18' east of the location indicated on the Southern California Gas Company mapping plans, work was postponed by the County for a total of eighty-six (86) working days. This time period was required to re-design the facility while incorporating the actual location of the natural gas main line into the project.</p>
--

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

1. On November 2, 2007, the design consultant provided the Department with record "as-built" drawings which identify the actual location of the natural gas main line and a minimal construction easement requested by the Southern California Gas Company. These documents will be used for reference in the event of future capital improvement projects at Belvedere Park.
2. The Department has updated its construction plans to indicate actual field locations for the potable water mainline, sub-surface storm drain lines, and electrical underground utilities within the Belvedere Park Skatepark.
3. On future capital improvement projects, during the preliminary design phase, the Department will request the design consultant to provide or obtain services for project site surveys of existing utilities including electricity, sewer, gas, telecommunications, and water. The identification of these utilities will assist the design consultant in verifying if the planned improvements can be accommodated in their proposed locations.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 7/29/08
Signature: (Department Head) 	Date: 7/24/07

**DEPARTMENT OF PARKS AND RECREATION
CORRECTIVE ACTION PLAN**

CLAIM OF: GeoCon Engineering, Inc.

INCIDENT DATE: September 24, 2007

INCIDENT LOCATION: Belvedere Park Skatepark,
4914 Cesar Chavez Avenue, Los Angeles,
California 90022

Description of Incident/Event:

On February 7, 2006, Sunrise Construction (dba GeoCon Engineering, Inc.) was awarded the contract to construct the Belvedere Skatepark project.

During grading operations, a natural-gas main line was discovered at the project site, in a location which differed from the mapping information provided by the Southern California Gas Company, to the design consultant Lawrence Moss & Associates. Work was immediately suspended and the Contractor was directed to demobilize while the configurations of skatepark elements were re-designed by the design consultant. The County authorized the Contractor to resume work on August 1, 2006, and the work was completed in September 2007.

Subsequent to construction, the Contractor submitted a claim for alleged delay costs resulting from postponement of the work, and for miscellaneous work associated with the acceleration of work schedule.

Basis of Claim:

The design consultant designed the skatepark elements including the deep skatepark bowls, while referencing underground utility mapping information provided by the Southern California Gas Company.

Subsequent to the preparation of construction documents, the Southern California Gas Company reviewed and approved the final documents for design requirement and utility easement compliance.

Due to the discovery of the natural gas mainline 18' east of the location indicated on the Southern California Gas Company mapping plans, work was postponed by the County for a total of eighty-six (86) working days. This time period was required to re-design the facility while incorporating the actual location of the natural gas main line into the project.

Corrective Actions:

1. On November 2, 2007, the design consultant provided the Department with record "as-built" drawings which identify the actual location of the natural gas main line and a minimal construction easement requested by the Southern California Gas Company. These documents will be used for reference in the event of future capital improvement projects at Belvedere Park.
2. The Department has updated its construction plans to indicate actual field locations for the potable water mainline, sub-surface storm drain lines, and electrical underground utilities within the Belvedere Park Skatepark.
3. On future capital improvement projects, during the preliminary design phase, the Department will request the design consultant to provide or obtain services for project site surveys of existing utilities including electricity, sewer, gas, telecommunications, and water. The identification of these utilities will assist the design consultant in verifying if the planned improvements can be accommodated in their proposed locations.

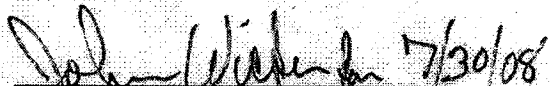
Reviewed & Recommended



7/30/08

Anush Gambaryan Date
Risk Management Coordinator

Approved



Russ Guiney Date
Director